IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 3-10-2007

CORAM

THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

W.P.No.29745 of 2004
and
WPMP No.423 of 2007

S.Ananthi .. Petitioner

vs

1.The State of Tamilnadu
rep. By the Secretary to Government
Education Department
Fort St. George
Chennai 600 009.
2.The Director of Elementary Education
College Road, Chennai 600 006.
3.The Director of School Education
College Road, Chennai 600 006.
4.The District Educational Officer
Tenkasi .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to regularize the services of the petitioner as Junior Assistant with effect from 18.12.1986, and grant the petitioner consequential benefit of promotion and benefits of pay with retrospective effect.

For Petitioner : Mr.S.F.Mohamed Yousuf
For Respondents : Mrs.Dakshyayini Reddy
Additional Government
Pleader (Education)

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ORDER

Seeking a writ of mandamus, this writ petition has been brought forth by the petitioner to direct the first respondent to regularize the services of the petitioner as Junior Assistant with effect from 18.12.1986 and grant him the consequential benefit of promotion and pay with retrospective effect.

2.The affidavit in support of the petition is perused. The Court heard the learned Counsel for the petitioner. The second respondent is present in Court. On her instructions, the learned Additional Government Pleader made his submissions.

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3.The case of the petitioner in short is that she was appointed as Junior Assistant in the Government High School at Vasudevanallur by the

fourth respondent by an order dated 9.12.1986 on compassionate ground on the death of her father, who was working as a Secondary Grade Teacher in Panchayat Union Middle School, Punniahpuram, Tenkasi Taluk. The scale of pay was also fixed. She joined duty on 18.12.1986 forenoon. The order of appointment required the Headmaster of the School to submit to the Government the papers for regularization of the service after her joining duty.

4.Further, it could be seen from the affidavit that the fourth respondent submitted the papers for regularization of the service of the petitioner to the third respondent in the year 1987. It was also pending in the hands of the first respondent. Then, the second respondent again on 15.3.1999, requested the first respondent to regularize the service enclosing the necessary papers. They also required the fourth respondent to resubmit the regularization papers with original certificates. Thereafter, orders were issued that the originals have actually been placed as early as 21.9.1997 by the fourth respondent to the third respondent, and the second respondent has also forwarded the same to the first respondent by proceedings dated 20.10.1997. The second respondent by his proceedings dated 6.11.2000, required the first respondent to send the original documents as the regularization file of the petitioner returned by the first respondent earlier, did not contain original papers. Thereafter, the duplicate copies were called for, and they were also submitted. Thus, the proceedings were pending. However, it would be quite clear that the original documents were not traceable. Under the circumstances, the delay of 17 years was caused. Now, the orders have been passed. In such circumstances, the petitioner was compelled and constrained to approach this Court for the above writ, and orders have got to be passed.

5.The Court heard the learned Additional Government Pleader on the above contentions.

6.It is a glaring case, where the delay, which is inordinate and inexcusable, has been caused. The papers which were placed before the first respondent in the year 1987, are pending for more than 20 years for the purpose of regularization. When the same is brought to the notice of the Court by the learned Counsel for the petitioner, the learned Additional Government Pleader would submit that reasonable time could be granted, and the present incumbent has come to the post and reported to duty in 2006, and now, the papers are to be acted upon, and necessary orders would be passed. In appraisement of the facts and circumstances and in particular, the delay already caused, this Court is of the considered opinion that it is a fit case where a direction has got to be given to the first respondent to pass suitable orders as expeditiously as practicable preferably within a period of twelve weeks from the date of

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this order. Accordingly, a direction is given, and this writ petition is disposed of. No costs. Consequently, connected WPMP is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

nsv/

To:
1.The Secretary to Government
Education Department
Fort St. George
Chennai 600 009.
2.The Director of Elementary Education
College Road, Chennai 600 006.
3.The Director of School Education
College Road, Chennai 600 006.
4.The District Educational Officer
Tenkasi
+ 1 CC To Mr. S.F.Mohamed Yousuf, Advocate SR NO.61088

+ 1 CC to the Government Pleader SR NO 61412

WP No.29745 of 2004

gp/8.10.

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